

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

JEROME AND LANA KORTE

BILL OF COSTS

V.

Case No. 03-239-GPM

EXXONMOBIL COAL USA, INC.

Judgment having been entered in the above entitled action on December 20, 2004 against Plaintiffs Jerome and Lana Korte,
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ <u>0.00</u>
Fees for service of summons and subpoena	\$ <u>382.50</u>
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$ <u>34,463.70</u>
Fees and disbursements for printing	\$ <u>11.25</u>
Fees for witnesses (itemize on reverse side)	\$ <u>2,615.68</u>
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$ <u>7,162.62</u>
Docket fees under 28 U.S.C. 1923	<u>0.00</u>
Costs as shown on Mandate of Court of Appeals	<u>0.00</u>
Compensation of court-appointed experts	<u>0.00</u>
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	<u>0.00</u>
Other costs (please itemize)	<u>0.00</u>
TOTAL	\$ <u>44,635.75</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. ** A supporting Affidavit with an itemization and documentation for the requested costs in all categories is attached hereto as Exhibit A ** A copy of this bill was mailed today with postage prepaid to:

Penni S. Livingston, Livingston Law Firm, 4972 Benchmark Centre, Suite 100, Swansea, Illinois 62226

Signature of Attorney: /s/ Paul T. SondereggerName of Attorney: Paul T. SondereggerFor: Defendant ExxonMobil Coal USA, Inc. d/b/a Monterey Coal CompanyDate: January 5, 2005

Name of Claiming Party

Costs are taxed in the amount of \$ 44,635.75 and included in the judgment.

By: _____

Clerk of Court

Deputy Clerk

Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		TOTAL COST EACH WITNESS
	Days	Total	Days	Total	Days	Total	
Delmont Kloeckner 4520 Court Road, Germantown, IL 62245	1	40.00					40.00
Norbert Jansen 8501 Hunter Road, Germantown, IL 62245	1	40.00					40.00
Anita Shoemaker Woodlane Road, Germantown, IL 62245	1	40.00					40.00
Bruce Becker 8424 Woodlane Rd., Germantown, IL 62245	1	40.00					40.00
Kimberly Becker 8424 Woodlane Rd., Germantown, IL 62245	1	40.00					40.00
Ralph Husmann 7610 Wesclin Road, Germantown, IL 62245	1	40.00					40.00
Charlie Albers 6306 State Rt. 161, Germantown, IL 62245	1	40.00					40.00
Kenneth Albers 6540 State Rt. 161, Germantown, IL 62245	1	40.00					40.00
Harold B. Albers 6520 State Rt. 161, Germantown, IL 62245	1	40.00					40.00
*Please see attached for additional witnesses.					TOTAL		\$2,615.68

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54(d)

“Except where express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		TOTAL COST EACH WITNESS
	Days	Total	Days	Total	Days	Total	
Christine Huegen 6565 State Rt. 161, Germantown, IL 62245	1	40.00					40.00
Gary Borrenpohl 14085 County Road 12, Venedy, IL 62214	1	40.00					40.00
Randy Gebke, Kohnen Concrete 503 Green Street, Germantown, IL 62245	1	40.00	1	8.38			48.38
James H. Wells, D.O., St. Joseph's Hospital 9515 Holy Cross Lane, Breese, IL 62230	1	40.00					40.00
Steven P. Esling 101D Mail Code 4324, Carbondale, IL 62901	1	40.00	1	8.38	1	184.55	232.93
William H. Dribben, M.D. Campus Box 8072, 660 S. Euclid Ave., St. Louis, MO 63110	1	40.00					40.00
Melissa Swallow, M.D. Campus Box 8134, 660 S. Euclid Ave., St. Louis, MO 63110	1	40.00					40.00
H. James Wedner, M.D. Campus Box 8122, 660 S. Euclid Ave., St. Louis, MO 63110	1	40.00					40.00
Sean Peters, Patrick Engineering, Inc. 300 West Edwards Street, Suite 200 Springfield, IL 62704	2	80.00	2	37.71			117.71
Howard C. Schulz, Vice President ExxonMobil Coal USA, Inc., 14300 Brushy Mound Rd., Carlinville, IL 62626			1	13.10			13.10
Jeffrey Schuh, Vice President of Engineering Patrick Engineering, Inc., 4970 Varsity Drive Lisle, IL 60532	2	80.00	2	35.40	2	618.95	734.35
Richard Lounsbury ExxonMobil Coal USA, Inc., 14300 Brushy Mound Rd., Carlinville, IL 62626	1	40.00	1	17.25	1	159.75	217.00
Ron Landers, ExxonMobil Global Remediation, 225 E. John W. Carpenter Freeway, Irving, TX 75062	1	40.00	1	20.91	1	488.80	549.71
Douglas A. Brockhaus, ExxonMobil Coal USA, Inc., 14300 Brushy Mound Road Carlinville, IL 62626	2	80.00			2	22.50	102.50